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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

CASH CLOUD, INC.,
dba COIN CLOUD,

Debtor.

Case No.: Case No. BK-S-23-10423-MKN

Chapter 11

STATEMENT OF ISSUES ON APPEAL

Christopher McAlary (“Mr. McAlary”) by and through his attorneys of record, Carlyon Cica Chtd., pursuant to Federal Rule of Bankruptcy Procedure 8006, hereby designates the following issues on appeal from *Order: (A) Approving Debtor’s Disclosure Statement [ECF No. 529] on a Final Basis; and (B) Confirming Debtor’s First Amended Chapter 11 Plan of Reorganization Dated August 1, 2023 [ECF No. 996] [ECF No. 1126]*

1. Whether the Bankruptcy Court erred in confirming a plan of reorganization which did not contain adequate means of implementation as required by 11 U.S.C. §1123(a)(5) and §1129(a)(1)?
2. Whether the Bankruptcy Court erred in confirming a plan of reorganization with no stated or prospective date upon which confirmation will be effective?
3. Whether the Bankruptcy Court erred in confirming a plan of reorganization where the Debtor has no ability to pay administrative claims as required by 11 U.S.C. §1129A)(9)(A)?

4. Whether the Bankruptcy Court erred in confirming a plan which did not preserve set off rights as required by 11 U.S.C. §553 (except such rights asserted by the co-chair of the Unsecured Creditors' Committee)?
5. Whether the Bankruptcy Court erred in confirming an amended plan of reorganization which was not noticed to parties as required by, inter alia, Fed.R.Bankr.P 2002(a)(5)?
6. Whether the Bankruptcy Court erred in confirming a plan which provides for extensive third-party releases?
7. Whether the Bankruptcy Court erred in confirming a modified plan of reorganization which substantially delays payments without requiring resolicitation of votes?
8. Whether the Bankruptcy Court erred in confirming a plan of reorganization which did not disclose, as required by 11 U.S.C. §1129(a)(5)(A), the identities of the individuals who are designated to succeed the Debtor in all respects, including collecting and disbursing all assets and controlling all litigation claims?
9. Whether the Bankruptcy Court erred in finding that the Debtor had met its burden of proving feasibility of the plan of reorganization under 11 U.S.C. §1129(a)(11)?
10. Whether the Bankruptcy Court erred in basing its decision on purported evidentiary submissions filed two days prior to the Confirmation Hearing?
11. Whether the Bankruptcy Court erred in basing its decision upon a purported failure to cross-examine witnesses when there was no notice or finding that evidence would be taken as required by LR 9014(a)(7)?

Respectfully submitted this 20th day of September, 2023.

CARLYON CICA CHTD.

/s/ Candace C. Carlyon, Esq.

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CERTIFICATE OF SERVICE

I am an employee of Carlyon Cica Chtd. On the date of filing of the foregoing papers with the Clerk of Court I caused a true and correct copy to be served in the following manner:

☒ ELECTRONIC SERVICE: Pursuant to LR 2002 of the United States Bankruptcy Court for the District of Nevada, the above-referenced document was electronically filed and served on all parties and attorneys who are filing users through the Notice of Electronic Filing automatically generated by the Court.

☐ UNITED STATES MAIL: By depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

☐ OVERNIGHT COURIER: By depositing a true and correct copy of the above-referenced document for overnight delivery via a nationally recognized courier, addressed to the parties listed below which was incorporated by reference and made final in the w at their last-known mailing address.

☐ FACSIMILE: By sending the above-referenced document via facsimile to those persons listed on the attached service list at the facsimile numbers set forth thereon.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Cristina Robertson
An employee of Carlyon Cica Chtd.